



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 06-48

May 19, 2006

Investigation by the Department of Telecommunications and Energy, on its own motion, into compliance with the gate box maintenance and improvement requirements of G.L. c. 164, § 116B, by gas companies and municipal gas departments established under the provisions of Chapter 164.

NOTICE OF COMPLIANCE INVESTIGATION AND PUBLIC HEARING

On May 19, 2006, the Department of Telecommunications and Energy ("Department") issued an Order opening an investigation into compliance with the gate box maintenance and improvement requirements of G.L. c. 164, § 116B ("Section 116B"), by gas companies and municipal gas departments established under the provisions of Chapter 164 ("operators").

Investigation re: Compliance with G.L. c. 164, § 116B, D.T.E. 06-48 (2006). The Department's investigation is opened under its general supervisory powers over the safety of operations of gas distribution systems established under Chapter 164, and pursuant to pipeline safety authority delegated to it by the United States Department of Transportation. G.L. c. 164, § 105A. The investigation follows up on a series of Department directives to operators from the Department with respect to compliance with Section 116B. D.T.E. 06-48 at 1-3. The instant investigation will seek a showing on the part of gas companies and municipal gas departments that issues of gate box maintenance and improvement are properly addressed.

Section 116B became effective on April 1, 2003, and requires that "[w]henver the commonwealth or a city or town undertakes the repair of streets, roads or sidewalks the appropriate gas company shall provide for the maintenance and improvements of its gate boxes located in the streets, roads or sidewalks to be repaired, so that the gate boxes are more easily and immediately accessible. A gas company may apply for funds under [C]hapter 90 to assist in paying the costs of the maintenance and improvements." A "gate box" is a type of "distribution valve" as defined at 49 C.F.R. Part 192, § 192.181, and "curb valve" or "curb shutoff" as defined in the Department's regulations at 220 C.M.R. § 101.06(14). A gate box is a device installed on a gas main to permit shut-off in the event of an emergency and its location and accessibility must be readily ascertainable.

The Department has directed each operator to provide the Department with: (1) the relevant portion the operator's O&M Plan that ensures compliance with Section 116B; (2) an excel spreadsheet of service territory streets that were paved in 2005, and the date that the gate boxes were made "easily and immediately accessible;" (3) the relevant portion of the operator's O&M Plan that delineates policies concerning how operator employees collect data to ensure compliance with Section 116B; (4) all relevant evidence that operators are in compliance with Section 116B; (5) All relevant evidence that demonstrates that all valves on its mains and all curb valves on its service lines are immediately and readily accessible. Requirements

applicable to valves on mains are described in Part 192, § 192.181. Requirements for service line valves are described in Part 192, § 192.365 and in 220 C.M.R. § 101.06(14).

The Department will conduct a public hearing and procedural conference at 10 a.m. on June 15, 2006, in Hearing Room A of its Boston offices, One South Station, second floor. Additionally, the Department will accept written comments until the close of business on June 29, 2006. In particular, the Department encourages state and municipal public works departments to file written comments in this docket.

All written comments must be filed with the Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, as follows: (a) an original with Mary L. Cottrell, Secretary; (b) two (2) copies with William Stevens, Assistant General Counsel, Pipeline Engineering and Safety Division; and (c) two (2) copies with Christopher Bourne, Director, Pipeline Engineering and Safety Division.

All written documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and to william.stevens@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 06-48), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document (e.g., Comments). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dte>.

Pursuant to the Department's Order of May 19, 2006 in this docket, notice of this proceeding and hearing will be published in the Boston Herald and The Boston Globe, Berkshire Eagle, Springfield Union-News, Worcester Telegram and Gazette, New Bedford Standard Times, Patriot Ledger, Lawrence Eagle Tribune, and Cape Cod Times. Also pursuant to that Order, copies of this notice are being sent by first class mail attention of counsel for each gas company, the mayor or chairman of the board of selectmen and the director of the public works department of each municipality in the Commonwealth served by a gas company or a municipal gas department, to the head of each municipal gas department, to the head of the Massachusetts Highway Department, and to the Massachusetts Municipal Association.

Any person desiring further information regarding this notice should contact William Stevens, Assistant General Counsel, Department of Telecommunications and Energy, One South Station, Boston, MA 02110 (Tel.(617) 305-3500).

By Order of the Department,

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Mary L. Cottrell, Secretary